

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMAS YAN,

Plaintiff,

v.

CRYSTAL LEI, et al.,

Defendants.

Case No. [11-cv-01814-RS](#) (JSC)

**ORDER GRANTING APPLICATIONS
FOR ORDER FOR THIRD PARTY
APPEARANCE**

Re: Dkt. Nos. 99, 100, 101, 102

These proceedings arise of out Crystal Lei’s attempt to collect a judgment she obtained against Demas Yan to cover attorneys’ fees and costs incurred in connection with a Ninth Circuit appeal pursued by Yan in this case. Now pending before the Court are four applications by Lei for orders of examination of third-parties Mei Ling Fang aka Lily Yan, Kamen Liu, Tina Yan, and Thai Ming Chiu pursuant to California Code of Civil Procedure §708.120. (Dkt. Nos. 99, 100, 101, 102.) After carefully considering the applications and supporting declarations and exhibits, and as Mr. Yan’s appeal was dismissed (Dkt. No. 105), the applications are GRANTED.

Federal Rule of Civil Procedure 69 governs the execution of judgment proceedings in federal court. Rule 69 (a)(1) provides: “[t]he procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.” California Code of Civil Procedure § 708.120 permits a judgment creditor to obtain an order requiring a third party to appear for an examination concerning collection of a debt owed by a judgment creditor provided the third party owes more than \$250 to the judgment debtor or possesses property in which the judgment debtor has an interest exceeding \$250 that belongs to the judgement debtor. Cal. Code Civ. Pro. § 708.120(a). The affidavit attesting that the third party owes the judgment

debtor more than \$250.00 may be based upon information and belief. *Id.*

Crystal Lei's applications adequately allege that the four third parties owe Mr. Yan money or have in interest in property belonging to Mr. Yan. Specifically, Ms. Lei alleges and offers evidence that Kamen Liu, Tina Yan and Thai Ming Chiu were all found by a jury to have received property from Mr. Yan as part of a fraudulent transfer. (Dkt. Nos. 99 at 14, 100 at 14, 101 at 14.) And Ms. Lei alleges that Mr. Yan represented Mei Ling Fang (Lily Yan) in various cases, and thus she owes him money. (Dkt. No. 102 at 4.) Accordingly, Ms. Lei's applications are GRANTED.

The examinations shall take place in Courtroom F, 15th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102 on **January 25, 2019** commencing at 9:30 a.m. Judgment creditor shall notice the examinations to commence at different times on that date, with the last examination commencing no later than 2:00 p.m.

This Order disposes of Docket Nos. 99, 100, 101 and 102.

IT IS SO ORDERED.

Dated: December 26, 2018


JACQUELINE SCOTT CORLEY
United States Magistrate Judge